



**Memorandum**

TO: Mayor and City Council

FROM: Bob Morgan, Interim City Manager *[Signature]*

DATE: August 13, 2009

SUBJECT: Items for Your Information

**IFYI HIGHLIGHTS**

- Beer & Wine Tax
- Overgrowth at Duke Power Facility in Arlington Park
- Minimum Housing Standards Enforcement
- Audio System in City Council Chambers
- New Greensboro Transit Authority Facility
- Changes to HEAT Program
- Additional LDO Community Meetings
- Items for Staff Follow-up

**Beer & Wine Tax**

The State budget adopted by the Legislature reduces Beer and Wine Revenues to cities and counties by 66%. This equates to about \$800,000 for the City of Greensboro. I will continue to manage position vacancies to generate savings that may be used to mitigate the revenue short-fall if it materializes.

**Update: Overgrowth at Duke Power Facility in Arlington Park**

City staff contacted Duke Energy and a property owner adjacent to the site in the Ardmore Park neighborhood. Both responded quickly to clean and mow the area. An additional area, an old street right-of-way, is scheduled to be cleaned by Field Operations within the week. Local Ordinance staff will begin monitoring this site on a monthly basis.

**Process Used for Minimum Housing Standards Enforcement**

At the July 21, 2009 City Council Meeting, a citizen expressed concerns reference 4701 Holders Road and a residence that was demolished on that site in January 2009. Attached is a memo from City Attorney Terry Wood outlining the city's enforcement procedures for minimum housing standards and a timeline of the Minimum Housing Standards Enforcement activity at the property. Questions about this item may be directed to City Attorney Terry Wood.

**Audio System in City Council Chambers**

Occasionally City Council Members participate in an official Council meeting via telephone. State statute requires there be means for the public to hear what's being said by all meeting participants. Unfortunately, the current audio system in the Council Chambers does not consistently meet this requirement. A recent occurrence highlighted this problem when the Mayor was the only meeting participant who could talk to or hear the telephone participant. Additionally, Channel 13 was unable to transmit any audio from the participant on the phone.

If the City Council wishes to continue the practice of participating in meetings by telephone, the audio problems will need to be remedied to comply with statute. Prior year cost estimates to correct this problem are in the range of \$20,000.

### **New Greensboro Transit Authority Facility**

Grading work at the site of the new Greensboro Transit Authority (GTA) headquarters site in Southeast Greensboro has begun. Construction of the facility is projected to begin in November 2009, and is expected to last 14-18 months.

**Background:** In July 2008, the city purchased the new location at 221-225 West Meadowview Road. The former home of WKSI radio station offers 17.5 acres of space capable of handling current and future operations requirements. GTA management chose the location after realizing the current GTA site offers little room for expansion, especially being bordered by the Norfolk Southern right-of-way. The new 64,000 square foot facility will include eight bus maintenance bays, two-bus washing systems, a larger board meeting room, a paratransit functional assessment room and a workout facility open to all city employees.

Plans for this \$20,000,000 project have been in progress for several years, but recently has experienced an accelerated pace thanks to a federal stimulus grant of \$5,455,967. The American Recovery and Reinvestment Act (ARRA) is providing 25% funding of the space. Other funding agencies include the Federal Transit Administration and NC Department of Transportation. The City is required to provide 10% local matching funds for the project.

### **Changes to HEAT**

The fall semester of Higher Education Area Transit (HEAT) services will begin Monday, August 17. With the start of the new school year, Greensboro Transit Authority (GTA) will make changes to HEAT that will affect students who attend Greensboro Technical Community College (GTCC) and Greensboro College.

GTCC and Greensboro College have chosen not to renew their partnership with HEAT, resulting in several operational changes. HEAT is continuing to work with GTCC on transit options for students and any updates will be posted on HEAT's website: <http://rideheat.com/>.

### **Dates for Additional Community Meetings re: Land Development Ordinance**

At Council's request, the following additional meetings have been scheduled to solicit input from citizens regarding the LDO:

- **September 3, 2009, 6-8 PM:** Melvin Municipal Office Building, City Council Chambers, 300 W. Washington St.
- **September 15, 2009, 6-8 PM:** Barber Park Community Room, 1500 Dans Rd. (Off E. Florida St.)
- **September 17, 2009, 4-6 PM:** Natural Science Center, Greensboro Council of Garden Clubs Bldg, 4301-A Lawndale Ave.

### **Items for Staff Follow-up**

After each meeting of the City Council, city staff documents the actions necessary to follow-up any Council Members' requests for additional information or research. Attached is the list of the items city staff is the process of addressing as a result of requests at the August 3, 2009 City Council Meeting.

Date: July 29, 2009

To: Mayor  
City Council Members

From: Terry Wood  
Legal

Subject: Process Used For Minimum Housing Standards Enforcement  
Referencing Property at 4701 Holders Road

### **Background**

At the City Council Meeting on July 21, 2009, Mr. Angelo Crump, Vice-President of the Brightwood Neighborhood Association spoke of neighborhood concerns with reference to 4701 Holders Road and a residence that was demolished on that site in January 2009. Among other concerns Mr. Crump indicated that there were delays in Minimum Housing Commission (MHC) determinations. Staff indicated that one issue faced in such enforcement is the possibility that owners undertake to transfer ownership of properties involved when enforcement proceedings have begun. Council Members raised questions concerning efforts that might be taken to prevent delay in enforcement. (Attached to this Memo is a listing of the history of enforcement at 4701 Holders Road.)

### **Discussion**

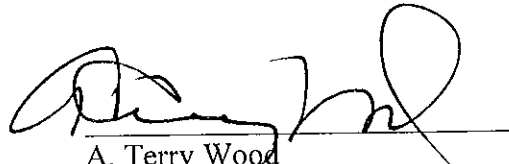
Enforcement procedures for minimum housing standards begin with the issuance of a Notice of Violation issued by an Enforcement Officer. This Notice is served by personal delivery, certified or registered mail sent simultaneously with regular mail, or by newspaper advertising when necessary. Effective service and notice throughout the entire enforcement process, is a most troublesome aspect. Most delays before the MHC are caused by improper, or no, service or by good faith extensions granted by the MHC in an effort to gain compliance by the responsible party.

Minimum Housing Standards Codes set out the following procedure. No sooner than 10, nor more than 30 days, after the serving of the Order, the owner may request a hearing before the Enforcement Officer. If the Enforcement Officer upholds the original Order the owner may appeal to the MHC. If the MHC upholds the Order and orders either a "Repair or Demolish Order" or a "Demolition Order" [depending upon the extent of the deterioration of the structure], that final Order of the MHC is recorded in the Guilford County Office of the Register of Deeds and is binding on all subsequent property owners.

The City has several ordinances that refer to the transfer of title by an owner during this hearing process. First, the City has declared it a misdemeanor (Sec. 11-36) for an owner upon whom proper service has been obtained to transfer title without providing a copy of the Notice to the transferee. Second, Ordinance Sec. 11-39(f), reserves the City's right to continue proceedings against those persons served even though other owners were not located or served. Finally, the City has the right to file a *lis pendens* Notice with the Clerk of Guilford Superior Court of Minimum Housing Standard Notices upon the issuance of the complaint. This process is not used because the majority of owners respond to the Notices and further action is not required. It can, however, be used where service issues, absenteeism, and estates are issues.

### **Recommendation**

The Engineering and Inspections Department and the Legal Department recommend the use of the *lis pendens* authority in those cases when there are early indications of problems of service.



A. Terry Wood  
City Attorney

Attachment

Subject: 4701 Holders Road

|         |                                                                                                                            |              |
|---------|----------------------------------------------------------------------------------------------------------------------------|--------------|
| 8/4/04  | [Nuisance complaint of overgrown lot]                                                                                      | (compliance) |
| 8/4/04  | [Housing complaint of tree limb on house]                                                                                  | (compliance) |
| 1/4/07  | [Nuisance complaint]                                                                                                       | (compliance) |
| 1/4/07  | [Abandoned vehicle complaint]                                                                                              | (compliance) |
| 8/29/07 | [Housing complaint came in through City council]                                                                           |              |
|         | [Notices mailed; returned for lack of good service]                                                                        |              |
|         | [New title search and notices resent]                                                                                      |              |
| 9/18/07 | [Property posted –condemned]                                                                                               |              |
| 3/4/08  | [Case referred to the MHC; owner failed to respond and would not take mail]                                                |              |
| 3/25/08 | [Legal letter sent from MHC to gain entry to make necessary inspection]                                                    |              |
| 5/27/08 | [Administrative warrant issued to make MHC inspection]                                                                     |              |
| 6/27/08 | [The owner called the chief building inspector and informed him that he was planning to demo the property himself]         |              |
| 7/27/08 | [After a month and no activity; case referred back to MHC]                                                                 |              |
| 8/29/08 | [Case added to the September 16 <sup>th</sup> MHC agenda]                                                                  |              |
| 9/16/08 | [The MHC heard case; owner did not attend; and the MHC upheld the order to demolish in 90 days]                            |              |
| 1/8/09  | [The building was demolished by the owner]                                                                                 |              |
| 2/10/09 | [Nuisance complaint filed; debris left from demolition still on site]                                                      |              |
| 4/2/09  | [Nuisance complaint filed; owner has moved in a trailer and bldg materials; contends to be building a new unit on the lot] |              |
| 6/12/09 | [Nuisance complaint filed; piles of brush and limbs are on the property]                                                   |              |
| 7/20/09 | [Owner started removing the brush; slow process]                                                                           |              |
| 7/26/09 | [Administrative warrant issued to clean the property]                                                                      |              |

This property was demolished by the owner January 8, 2009 and we have been after the owner to keep it cleaned to date. Inspections did not find any buried debris.





ANNOUNCEMENT OF UPCOMING

**COMMUNITY MEETINGS**

TO CONSIDER A

**LAND DEVELOPMENT ORDINANCE**

**INCLUDING A CITYWIDE REZONING**

MAKING LIMITED CHANGES TO EXISTING  
ZONING DISTRICTS & STANDARDS FOR ALL  
PROPERTIES WITHIN THE CITY OF  
GREENSBORO.

1. **SEPTEMBER 3, 2009, 6-8 PM:** MELVIN MUNICIPAL OFFICE  
BUILDING, CITY COUNCIL CHAMBERS, 300 W.  
WASHINGTON ST.
2. **SEPTEMBER 15, 2009, 6-8 PM:** BARBER PARK  
COMMUNITY ROOM, 1500 DANS RD. (OFF OF E. FLORIDA  
ST).
3. **SEPTEMBER 17, 2009, 4-6 PM**  
NATURAL SCIENCE CENTER, GREENSBORO COUNCIL OF  
GARDEN CLUBS BLDG, 4301-A LAWNSDALE AVE.

YOU CAN RECEIVE MORE INFORMATION ABOUT THESE MEETINGS  
AND THE LAND DEVELOPMENT ORDINANCE (LDO) AT  
[WWW.GREENSBORO-NC.GOV/LDO](http://WWW.GREENSBORO-NC.GOV/LDO), OR BY CALLING 373-2144.

City of Greensboro  
**Items from City Council for Staff Follow-up**  
From August 3, 2009 City Council Meeting

**City Manager's Office**

1. Interim City Manager Morgan requested to place the discussion of a business summit with Piedmont Triad Partnership at the September 22<sup>nd</sup>, briefing.

**STATUS: Item scheduled for 9/22 Briefing Agenda pending Council approval of Briefing Agenda.**

2. Interim City Manager Morgan authorized to move forward with his recommendations on the Employee Survey.

**STATUS: Plan of action being implemented.**

**Legal Department**

1. City Attorney advised that the Legal/Police and Manager staff would draft ordinance changes to be made as a result of the Citizen Review Committee recommendations as well as prepare legislative acts to be brought before the Legislature.

**STATUS: In progress.**

**Planning Department**

1. Planning Director Dick Hails requested to hold additional community meetings for the Land Development Ordinance (LDO) to receive citizen input and concerns.

**STATUS: Additional meetings have been scheduled for September 3, 15 and 17.**

**Public Affairs Department**

1. Public Affairs staff requested to meet with James Jarrell to coordinate placing a presentation on the history of the Jonesboro/Scott Park neighborhood on Channel 13.

**STATUS: In progress**

2. Public Affairs staff requested to place the revised recommendations from the Citizen Review Committee on the City's website.

**STATUS: Projected completion date is 9/14.**